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In re Application of :  
 SMITH, Norman R. et al. :  
 Application No.: 10/516,400 : DECISION  
 PCT No.: PCT/GB03/02955 :  
 Int. Filing Date: 08 July 2003 : ON REQUEST UNDER  
 Priority Date: 08 July 2002 :  
 Attorney's Docket No.: 142.016US01 : 37 CFR 1.497(d)  
 For: IMAGE PROCESSING SYSTEM FOR :  
 USE WITH A PATIENT :  
 POSITIONING DEVICE :  
 :

This decision is in response to "Request to Correct Inventorship Under 37 C.F.R. §1.48(a)," filed on 04 November 2005. It has been treated as a request under 37 CFR 1.497(d).

### BACKGROUND

On 08 July 2003, applicant filed international application PCT/GB03/02955, which claimed a priority date of 08 July 2002. A copy of the international application was transmitted to the Office on 15 January 2004 by the International Bureau. The deadline for entry into the national stage in the United States was midnight on 08 January 2005.

On 01 December 2004, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge for late filing of the oath or declaration.

On 04 May 2005, the Office mailed Notification of Missing Requirements, indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 November 2005, applicant filed a declaration of the inventors, the instant request and the fee for a four month extension of time.

### DISCUSSION

Applicants file this request to add Robert Edward Howe as inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the

processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied. Applicants provided as statement by the inventor that applicants are attempting to add and the processing fee.

Item (3) has not been satisfied. Applicants must provide consent of the assignee. Applicant has not established under 37 CFR 3.73 that Vision RT Limited is the assignee. Specifically, applicant did not provide a copy of the recorded assignment or state the location of the assignment, e.g. reel and frame number. Though applicants indicate that the assignments accompanied this submission, they are not located in the file.

### CONCLUSION

For the above reasons, applicants' request under 37 CFR 1.497(d) is **REFUSED**.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)".

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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